

IN THE MATTER OF MERCHANT MARINER'S DOCUMENT NO. Z-192014  
AND ALL OTHER SEAMAN DOCUMENTS

Issued to: Walter HESSE

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1668

Walter HESSE

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 14 April 1967, an Examiner of the United States Coast Guard at San Francisco, Calif., suspended Appellant's seaman's documents for one month outright plus three months on twelve months' probation upon finding him guilty of misconduct. The specifications found proved allege that while serving as a messman on board the United States SS FRONTENAC VICTORY under authority of the document above described, on or about 17, 19, and 25 November 1966, at Sattahip, Thailand, and on or about 11 December 1966, at Manila, P.I., Appellant wrongfully failed to perform his duties by reason of intoxication.

At the hearing, Appellant failed to appear. The Examiner entered a plea of not guilty to the charge and each specification.

The Investigating Officer introduced in evidence voyage records of FRONTENAC VICTORY.

At the end of the hearing, the Examiner rendered a decision in which he concluded that the charge and specifications had been proved. The Examiner then entered an order suspending all documents issued to Appellant for a period of one month outright plus three months on twelve months' probation.

The decision was served on 18 April 1967. Appeal was timely filed on 9 May 1967.

FINDINGS OF FACT

On all dates in question, Appellant was serving as a messman on board the United States SS FRONTENAC VICTORY and acting under authority of his document while the ship was in the ports of Sattahip, Thailand, and Manila, P.I.. On those dates Appellant failed to perform duties by reason of intoxication.

BASES OF APPEAL

This appeal has been taken from the order imposed by the Examiner. It is urged that the Official Logbook entries placed in evidence are not true.

APPEARANCE: Appellant, pro se.

#### OPINION

The Official Logbook entries placed in evidence were made in accordance with 46 U.S.C. 201-202, and thus constitute a prima facie case as to the matters set forth therein. No evidence was offered to rebut the statements in the entries.

A mere assertion on appeal that the entries were false, unsupported in any way, states no grounds for disturbing the findings or order of the Examiner.

#### ORDER

The order of the Examiner dated at San Francisco, Calif. on 14 April 1967, is AFFIRMED.

W. J. SMITH  
Admiral, United States Coast Guard  
Commandant

Signed at Washington, D. C., this 8th day of November 1967.

## INDEX

Official Log entries

sufficient for prima facie case

Prima facie case

established by log entries